



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,588	12/20/2001	Christina Chow	40655.3800	8373

7590 10/05/2007  
Thomas J. Finn  
Snell & Wilmer L.L.P.  
400 East Van Buren  
One Arizona Center  
Phoenix, AZ 85004-2202

EXAMINER
----------

KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
----------	--------------

3693

MAIL DATE	DELIVERY MODE
-----------	---------------

10/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/032,588

Applicant(s)

CHOW ET AL.

Examiner

Stefano Karmis

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 15 June 2007.

### *Status of Claims*

2. Claims 1 and 11-13 are currently amended. Claims 1-13 are currently pending.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "immediate access to participate in an investment" renders the claim indefinite because it is not clear what constitutes participation. For examination purposes, having access to the website constitutes participation in an investment because it allows the user the access needed to research, plan and execute investments. Claims 2-13 are rejected under the same reasoning.

Art Unit: 3691

Regarding claim 8, the phrase “the step of invoking said securities” renders the claim indefinite because there is insufficient antecedent basis for this limitation in the claim. Claim 9 is rejected under the same reasoning.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace et al. (hereinafter Wallace) U.S. Patent 6,968,317 in view of Weiss et al. (hereinafter Weiss) U.S. Patent 6,354,490 in further view of Lent et al. (hereinafter Lent) U.S. Patent 6,405,181.

Regarding claims 1, 7, 11 and 12, Wallace teaches a computer-implemented brokerage account application method comprising: receiving, at a host server, a request to establish a brokerage account including data related to an applicant (column 9, lines 57-67 and column 12, lines 5 thru 48); forwarding, by said host server, said data to a credit bureau system for credit decisioning (column 13, lines 1-23); in response to a favorable credit decision, removing the restrictions from the brokerage account for said applicant. Wallace teaches that the brokerage

Art Unit: 3691

account is created immediately and allows the applicant to immediately participate in investments, such as researching securities, setting up watchlists and other customer related activities (column 9, lines 57 thru column 19). Wallace teaches that the account is created upon receiving an application and given full access after the credit decisioning.

Weiss teaches a brokerage account application method comprising: receiving data from an applicant (column 14, lines 1-11); forwarding said data to a credit bureau system for credit decisioning (column 14, lines 26-34); obtaining, a credit decision relating to said applicant from said credit bureau system (column 14, lines 35-50); in response to a favorable credit decision, opening a brokerage account for said applicant column 14, lines 51-63, column 15, lines 14-64). It would have been obvious to one of ordinary skill in the art to modify the automated account opening process taught by Wallace with the accounts being opened after the credit decisioning as taught by Weiss because it ensures the financial status of the applicant before participating in an investment. Wallace teaches ensuring the financial status before trading is allowed but allows participation in the account before the credit decisioning when performing tasks such as watchlists.

Both Wallace and Weiss fail to specify that the credit decisioning is performed in real-time. Lent teaches establishing a line of credit using an Underwriter obtaining credit approval without human intervention (column 8, lines 56-67). Lent also teaches that transferred money is immediately available because account balances are transferred in a real-time (column 16, line 16-60). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Wallace in view of Weiss to include that the

Art Unit: 3691

credit decisioning is performed in real time because it provides for quicker access to financial accounts by validating the credit of a customer in real-time.

Claim 2, Wallace teaches that the step of forwarding is accomplished utilizing a distributed credit bureau communication system (column 3, lines 38-57).

Claim 3, Wallace teaches receiving data from said applicant comprises receiving data from said applicant over a distributed network (column 3, lines 38-57).

Claim 4, Wallace teaches that a brokerage account is opened with a pre-established trading limit of zero while the account is restricted (column 9, lines 57 thru column 10, line 19).

Claim 5, Wallace teaches further comprising the step of capturing data in an accounts database (column 6, lines 20-50).

Claim 6, Wallace teaches that the application can be in multiple formats (column 9, lines 7-24). Lent teaches a parsing engine that parses data into an exact format that may be used to directly access the credit bureau data (column 4, lines 1-17).

Claim 8, wherein the step of invoking said securities processing system further comprises facilitating communication with a trading system to obtain user-authentication information used for trading (column 9, lines 57-67).

Art Unit: 3691

Claim 9, wherein the step of facilitating communication with a trading system to obtain user-authentication information comprises facilitating communication with said trading system to obtain at least one of a username and a password (column 9, lines 57-67).

Claim 13, wherein an application server processes said application data and interfaces with said distributed credit bureau communication system, wherein said distributed credit bureau communication system receives said application data and generates a credit decision and approval notification thereto (column 3, lines 58 thru column 4, line 4).

7. Claim 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace et al. (hereinafter Wallace) U.S. Patent 6,968,317 in view of Weiss et al. (hereinafter Weiss) U.S. Patent 6,354,490 in further view of Lent et al. (hereinafter Lent) U.S. Patent 6,405,181 in further view of Official Notice.

Claim 10, Wallace in view of Weiss in further view of Lent teach obtaining a credit decision from a credit bureau. Specifically Lent teaches that the real-time credit decisioning occurs in less than five minutes (column 1, lines 23-26). Official Notice is taken that obtaining a decision in a specified period of time is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify the teachings of Wallace in view of Weiss in further view of Lent and include a decision in less than 2 minutes because it provides

Art Unit: 3691

quicker credit decisioning and would specify a threshold when the decision is no longer considered to be in real time.

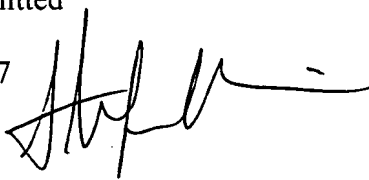
*Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted  
Stefano Karmis  
24 September 2007

A handwritten signature in black ink, appearing to read 'Stefano Karmis', is written over the typed name and date.